

IN THE UNITED STATES DISTRICT COURT FOR **FILED**
THE WESTERN DISTRICT OF OKLAHOMA APR 07 2010

ROBERT CLAUDE McCORMICK,)
)
Petitioner,)
)
vs.)
)
RANDY PARKER, Warden,)
)
Respondent.)

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA
BY rk DEPUTY

No. CIV-10-252-W

ORDER

On March 16, 2010, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation in this matter and recommended that this action be transferred to the United States District Court for the Eastern District of Oklahoma. Petitioner Robert Claude McCormick was advised of his right to object, and the matter now comes before the Court on McCormick's contentions why this matter should not be transferred. See Traverse, Doc. 8.

Upon de novo review of the record, the Court concurs with Magistrate Judge Couch's suggested disposition of this matter. McCormick is incarcerated in James Crabtree Correctional Center in Helena, Oklahoma, which is located within the territorial jurisdiction of the Western District of Oklahoma. In his Petition for Writ of Habeas Corpus ("Petition") filed pursuant to title 28, section 2254 of the United States Code, McCormick has challenged a judgment of conviction entered in, and the sentences imposed by, the District Court of Bryan County, Oklahoma, a state court located within the territorial jurisdiction of the Eastern District of Oklahoma. See Oklahoma v. McCormick, No. CF-2002-105.

Title 28, section 2241(d) of the United States Code requires petitions brought under section 2254 to "be filed in the district court for the district wherein . . . [the petitioner] is in custody or in the district court for the district within which the State court was held which convicted and sentenced him" 28 U.S.C. § 2241(d). Pursuant to section 2241(d), the United States District for the Eastern District of Oklahoma has concurrent jurisdiction with this Court to entertain McCormick's Petition. E.g., id.

Because relevant factors weigh in support of a transfer, the Court in its discretion and in the interest of justice

(1) ADOPTS the Report and Recommendation [Doc. 5] issued on March 16, 2010;
and

(2) DIRECTS the Clerk of the Court to transfer the record in this case to the United States District Court for the Eastern District of Oklahoma.

ENTERED this 7th day of April, 2010.


LEE R. WEST
UNITED STATES DISTRICT JUDGE